

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHRISTOPHER LENARD PUGH,

Plaintiff,

v.

RICHARD DIX, et al.,

Defendants.

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CIVIL ACTION NO. 09-00016-KD-N

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B), dated January 27, 2010, is **ADOPTED** as the opinion of this Court.

Accordingly, for reasons set forth in the report and recommendation, plaintiff's motion to amend (doc. 30) is **DENIED**, plaintiff's motion to amend (doc. 52) is **GRANTED**; all of plaintiff's claims except his claims of excessive use of force against defendants Dix and Guy and claims of unreasonable search and seizure of property against defendants Dix and Dukes, are **DISMISSED without prejudice**; and process shall issue upon the remaining claims against Dix, Guy and Dukes.

DONE this February 23, 2010.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE